

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

v.

**EDWARD CONSTANTINESCU,
PERRY “PJ” MATLOCK,
JOHN RYBARCZYK,
GARY DEEL,
STEFAN HRVATIN,
TOM COOPERMAN,
MITCHELL HENNESSEY,
DANIEL KNIGHT.**

No. 4:22-CR-00612-3

DEFENDANT’S MOTION TO VACATE THE COURT ORDER FILED AT DKT. 247

TO THE HONORABLE ANDREW HANEN, UNITED STATES DISTRICT JUDGE:

COMES NOW JOHN RYBARCZYK and submits this Motion to vacate the order filed by this Court on April 12, 2023, at Dkt. 247.

As this Court may recall, nearly one year ago, the Department of Justice attempted to seize *ex parte* various bank accounts and vehicles belonging to Mr. Rybarczyk. *See, e.g.*, Dkt. 224. Extensive briefing on the matter occurred (*see, e.g.*, Dkts. 224, 227, 229, 231, 238, 242 and 243). This Court held oral argument on Mr. Rybarczyk’s motion to quash the seizure warrants on April 12, 2023. *See* Dkt. 232 and 247.

At the hearing, this Court granted Mr. Rybarczyk’s motion for the return of seized funds and quashed the Government’s seizure warrants in their entirety. *See* Dkt. 247 (Court order dated April 13, 2023). However, this Court ordered that Bank of America account ending in 1461 would “remain frozen.” *Id.* This Court further ordered that Mr. Rybarczyk had to retain possession of five (5) of vehicles. *Id.* The Court’s Order provided that Mr. Rybarczyk could not “sell or otherwise

dispose of said vehicles without the explicit permission of the Court.” *Id.* Further, the Court ruled that “[a]ll other restrictions on the acquisition or disposal of assets remain in place.” *Id.*

Since the ruling of this Court on April 13, 2023, Mr. Rybarczyk has fully complied with this Court’s freeze order. However, the Indictment against him has now been dismissed without prejudice. *See* Dkt. 628. Accordingly, for this reason alone, Mr. Rybarczyk respectfully asks this Court to vacate this Court’s April 13, 2023, Order freezing Mr. Rybarczyk’s assets.¹

Dated: March 22, 2024

Respectfully submitted,

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¹ Because this Court has dismissed the Indictment, the conditions of release set forth by Pre-Trial Services—GPS monitor, asset disposition, etc ...—are no longer in force.

CERTIFICATE OF SERVICE

I hereby certify that on March 22, 2024, a true and correct copy of the above and foregoing was served on all counsel of record via ECF, certified mail, return receipt requested, facsimile, electronically, or hand delivery.

/s/ Stephanie K. McGuire
Stephanie K. McGuire